

1 **PROPOSED REGULATIONS**

2
3 **Title 5. EDUCATION**

4 **Division 1. State Department of Education**

5 **Chapter 11. Special Programs**

6 **Subchapter 19. Charter Schools**

7 **Article 1. Charter School Regular Average Daily Attendance**

8
9 *Amend Section 11960 to read:*

10 **§11960. Regular Average Daily Attendance for Charter Schools.**

11 (a) As used in Education Code section 47612, “attendance” means the attendance of
12 charter school pupils while engaged in educational activities required of them by their charter
13 schools, on days when school is actually taught in their charter schools. “Regular average
14 daily attendance” shall be computed by dividing a charter school's total number of pupil-days
15 of attendance by the number of calendar days on which school was actually taught in the
16 charter school. For purposes of determining a charter school's total number of pupil-days of
17 attendance, no pupil may generate more than one day of attendance in a calendar day.

18 (b) The State Superintendent of Public Instruction shall proportionately reduce the
19 amount of funding that would otherwise have been apportioned to a charter school on the
20 basis of average daily attendance for a fiscal year, if school was actually taught in the charter
21 school on fewer than 175 calendar days during that fiscal year.

22 (c) (1) Beginning in 2003-04 2004-05, a pupil who is over the age of 19 years may
23 generate attendance for apportionment purposes in a charter school only if the both of the
24 following conditions are met:

25 (A) The pupil was enrolled in a public school in pursuit of a high school diploma (or,
26 if a student in special education, an individualized education program) while 19 years of age
27 and, without a break in public school enrollment since that time, is enrolled in the charter
28 school and is making satisfactory progress towards award of a high school diploma (or, if a
29 student in special education, satisfactory progress in keeping with an individualized
30 education program) consistent with the definition of satisfactory progress set forth in
31 subdivision (b) of Section 11965.

1 (B) The pupil is not over the age of 22 years.

2 (2) This subdivision shall not apply to a charter school program specified in
3 Education Code section 47612.1. A charter school program as specified in Education Code
4 section 47612.1 may be either:

5 ~~(1)~~(A) the whole of a charter school, if the school has an exclusive partnership
6 agreement with one or more of the programs specified in Education Code section 47612.1
7 and serves no other pupils; or

8 ~~(2)~~(B) an instructional program operated by a charter school that is exclusively
9 dedicated to pupils who are also participating in one of the programs specified in Education
10 Code section 47612.1, provided that arrangement is set forth in an exclusive partnership
11 agreement between the charter school and one or more of the programs specified in
12 Education Code section 47612.1.

13 (d) No individual who is ineligible to generate attendance for apportionment purposes
14 in a charter school pursuant to subdivision (c) may be claimed as regular attendance for
15 apportionment purposes by a local education agency that is authorized by law to grant
16 charters. This subdivision shall not apply to claims other than claims for regular attendance
17 for apportionment purposes.

18 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 41420,
19 46301 and 47612, Education Code.

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